

NEGRO ASSAULTS

WHITE WOMAN.

AN ATTEMPTED RAPE ON A LONELY ROAD.

Arch Flemming, A Marlinton Negro Held to Answer Finding of Grand Jury.

Mrs. Lucy Hummel, a daughter of Mrs. Julia A. Simmons, who was killed by Jerome Kellison, was assaulted by a negro last Thursday evening near Marlinton. Mrs. Hummel had been in Marlinton and had left town about dusk to go to Mrs. Minnie Galford's. When she reached a point in the road about opposite G. M. Kee's residence she observed a man walking rapidly after her and when he overtook her, he grasped her by the arm, and threw her down.

Mrs. Hummel is a woman of extraordinary strength and she fought with her assailant for a considerable time. She screamed and after a time the man left her without being able to accomplish his purpose and ran off down the road in the direction of Marlinton the way he came.

Mrs. Hummel saw that her assailant was a negro but did not know him. A day or so afterward she identified Arch Flemming whom she saw on the street in Marlinton as the man.

Flemming was arrested at his shanty and secured H. S. Rucker as his counsel. N. C. McNeil assists the prosecuting attorney T. S. McNeal. A preliminary hearing was had Monday before Justice Rodgers which resulted in Flemming being sent on to await the action of the grand jury.

The hypothesis of the state is that the prisoner saw Mrs. Hummel pass his house where he was cutting wood and that he followed her, attempted to commit a rape upon her person, and reached home again in not over twenty five minutes. The distance which he traversed was nearly two miles. Flemming had been working at a pipe line uncovering a frozen place in it that day. He had quit work and had spoken to F. R. Hunter in whose employ he was about 5:15. Late George McCollum had seen him cutting wood at his shanty at the west end of the bridge. Mr. McCollum had crossed the bridge and met Mrs. Hummel going home from town. Claiborne Kennison was in Richardson's hardware store and saw Mrs. Hummel pass at 5:45.

Mr. Kennison fixed this time by the time he had left his boarding house when he had looked at his watch.

At from 6:10 to 6:15 Calvin W. Price met Flemming coming at a very fast walk from the direction of the scene of the crime. Met him just as he reached home. Fixed the time by having a message for Dr. Norman Price which required him to reach the depot in time for the 6:29 train. Several watches were looked at and it was found that there was from 15 to 20 minutes to go on.

Flemming admitted meeting Mr. Price at that time and gave the explanation that he had gone to the scene of his day's work just beyond Mr. Price's residence to get and return a monkey wrench which he had been using.

Flemming has been a resident of the town for about five years. He is the same party whom Ham Collins and others shot up at the Hot Springs some years ago. He is a good worker.

The crime of which he is charged is the night mare of the south. The ever present thought is with Southern people that some black savage will run wild menacing white woman of the land and bring despair to whole families. This is the closest it has ever come to this county and there was talk of lynching but we have much to be thankful for that law and order prevailed.

The prisoner is either perfectly innocent or he is as guilty as he can be in either event he is entitled to a calm judicial trial. We send a summary of the evidence.

Mrs. Lucy Hummel.

Was in Marlinton Thursday afternoon, at the stores and post office, and was almost dark when she started for Mrs. Galford's where she was staying, was walking rapidly and when near G. M. Kee's house heard footsteps behind her, looking around saw a man whom she supposed to be Mr. Kee or Harry Wissinger. The man ran after her, overtook and grabbing her by the arms from behind threw her to the ground, and holding her tried to choke her, and take liberties with her person. Did not say anything to her except to keep her mouth shut. Her screams were muffled by a fur collarette, and no one came to her assistance. Man suddenly let go and came toward Marlinton.

She recognized her assailant as a negro, heavily built, wearing a black cap, corduroy clothes and a mustache, whom she had seen at work near the Price place in West Marlinton when coming to town Thursday afternoon.

Upon cross-examination witness said she could not be mistaken in identity of her assailant whom she had seen at a distance the next day and pointed him out to the man. Was almost scared unconscious and was sometime before she could reach Mr. Kee's house a distance of two hundred yards. Fought with negro several minutes. Had gone in the house and sat down when train whistle blew.

Calvin W. Price.

Had known prisoner for several years. Had met him at 6:15 Thursday evening coming from the direction of the assault at a suspiciously fast walk. Was positive that man he met was the prisoner.

George M. Kee.

Heard woman screaming and going to the door found Mrs. Hummel there, terribly scared. Said nigger had caught and thrown her down. There was still snow on her back, saw no scratches on her face. Just about dark had returned from feeding and was preparing for supper. Had seen the place where the struggle took place; looked as if a horse had been down. Man's track led back to town; did not observe them closely. Victim had told him it was a heavily built negro, with a mustache.

George McCollum.

Was at home Thursday evening. Had seen prisoner cutting wood as he went over to build fires in the church, had met Mrs. Hummel near church gate about dusk. Did not see Flemming when he went home.

S. B. Wallace.

Had filled a prescription for the prisoner at his drug store after supper Thursday evening.

F. R. Hunter.

Had employed Arch Flemming on Thursday. Had him at work on a frozen water line. Saw him at 5:15 and told him to call and get his money next morning. Noticed nothing unusual about him at that time. Had not seen Mrs. Hummel that day.

W. W. Maye.

Was in Dr. Price's office either Wednesday or Thursday after lamps were lit and saw prisoner.

Arch Flemming.

Had worked in ditch all day Thursday for Mr. Hunter, went to shanty when tannery whistle blew got wood, made a fire and went over town where he met Mr. Hunter at Goldens store. Got a prescription for whiskey which he had filled and returned to his shanty before the passenger came in. Had not been along the road where the assault took place since Charley Beverage sold whiskey up there.

Upon cross-examination he said he had returned to the place he had been at work to get a monkey wrench and pickaxe belonging to Warwick Renick, which was put in Renicks wood box. Saw Calvin W. Price when he was returning as the latter was turning into his house.

Had lived in Marlinton five years. Upon one occasion he

had been notified to leave town for the part he played in the investigation which followed the shooting up a negro shante. Believed he was being persecuted by the men who had caused him to leave town.

Mary Wilson.
Had worked for Mrs. Golden all day. Saw Flemming come across bridge about dusk and go to the drug store. Had been cutting wood. Went home with Arch at six o'clock and he was at home all that night.

Upon cross examination said she cooked for prisoner. Was positive that Flemming never left home that evening. Never went down the road at all. Lived in a shanty with Flemming, Mary Scott and Mat Madison.

Mary Scott.

Was at the shanty across the bridge, Flemming came home between 5 and 6 o'clock. Had been working for Mr. Hunter. Cut wood, made a fire and went over town, saw him go into the bridge. Saw him come back, was not good dark and he was at home from that time on.

Did not see Mrs. Hummel either going or coming. On cross-examination the witness stated that if the Flemming did go down the road he was not go so long enough to go to Mr. Kee's as he was absent only a few minutes.

Teachers District Institute.

Following is the program of an Institute to be held at Academy Dec. 26, 1903, beginning at 10:30 a.m.

Devotional — Prayer by Dr. Sydenstricker.

Address of Welcome — E. I. Holt.

Essay — Miss Anna Wallace.

Papers selected — Misses Rucker and Tracy.

Music.

Round Table — Proper games for children.

Noon Recess.

Teachers Reading circle — Miss Jessie Edgar.

How best to improve our school — T. A. Bruffey.

Music — "Bim-Born-Bell."

Relation of Teacher to Patron — Miss Annie Sullivan.

Arithmetic — Fractions, Auburn Pyles and Rev. C. M. Anderson.

Beauty of the Mountains — Paper by Miss Nora Sullivan.

Music — "West Va. Hills."

Why due credit is not given to our Public Schools — Rev. T. M. McCarty.

Essay — Miss Alice Clark.

Recitation — Misses Carrell and Baxter.

Select Reading — Misses Levy and Walkup.

Uniform Examinations.

Discussion by teachers and others.

W. J. Snedegar, Sec.

Election Notice.

There will be a municipal election held in the town of Marlinton, W. Va., on the 7th day of January 1904, for the purpose of electing a mayor, recorder and five councilmen for said town for the ensuing year. Said election to be held at the court house in the office of the clerk of the circuit court.

J. W. Pullin,
Recorder.

COMING

The time of year when it is necessary to use something to keep the hands and face from chapping. There are a great many things that can be used, some good and some not so good.

Lavender Cream

is highly recommended by every one that has used it. It is never injurious to the most delicate skin, but it is always beneficial.

PRICE 25c.

Marlinton Drug Store.

NOTICE.

Our representative will be in Marlinton, Monday and Tuesday, December 21st and 22d, with a splendid line of

WATCHES & JEWELRY,
if you want bargains in Christ-

mas Jewelry, be sure and look in up.

Respectfully,

The Cass Jewelry Co.,

CASS, W. VA.

Eyesight Tested Free.

Dunmore

And still it is a little cold around the edges.

L. E. Campbell has taken charge of the Dunmore mill.

J. H. Curry is moving to Rosetown.

Earl Arbogast has moved to Liberty in the C. O. Arbogast house.

J. P. Woodell is building a house.

Sheriff Moore and Auctioneer Swecker were in Marlinton Monday and disposed of all the delinquent lands. Quite a goodly number attended the sale.

We notice several gentlemen spoken of last week as candidates for the next election. One was omitted and that was Sheriff, but we will bat on H. M. Moore for our next sheriff.

We see several more buildings going up at Boyer.

Some of the Highland County merchants have quit bantering from Durbin on account of the bad ford of the river at Traveler's Rest.

There is great need of a bridge at that point, and we believe the court will have one erected there in the spring.

C. E. Pritchard thinks of building an addition to his store — its a boy and doing well.

The Masons had quite a fine time at Cass Saturday afternoon.

Some of our people are putting up ice.

Portions of the road are very icy and dangerous.

Otho Gum has moved to Traveler's Rest.

County Superintendent Grimes was up last week.

Mrs. Belle Kerr is improving.

H. M. Moore assassinated his big Newfoundland and St. Bernard dog. He bit one of the goats and it died.

The red bird that Mrs. C. B. Swecker had died a few days ago. She owned him 12 years and Mrs. H. M. Moore had him 7 years. He was a fine singer and has been heard to sing over the phone to Marlinton.

A Merry X'mas and Happy New Year to all.

Bear's Valley.

The farmers are ready for their winter sport.

Thursday December 3rd, the bear hunters including Messrs. Dean, Messer, Workman and Burr killed a very large bear, so large that a sled was broken down and a wagon was substituted to carry the animal to Mrs. Burr's.

The bear weighed 480 pounds and was the hero of the Alleghenies, carrying several No. 1, No. 2 and smaller shot in his body, or rather under the skin. Mrs. Dean brought him down with his 30-30 caliber.

December 5th another bear was killed by Messrs. Lee, Alderman and others. It was the brother or near related to the other bear that was killed, being about the same size. They also had a nice share of other game.

Born to Mr. and Mrs. Ellis Gaylor, a son, Nov. 30, 1903.

Barnet Grimes our worthy county superintendent of schools gave our school a visit recently. Glad to see him interested in the schools and to think of our little log school house among the beautiful hills of our mountain state.

Auburn Pyles is teaching a pleasant school with a large attendance. May he ever be successful.

Henry and Charley Burr marketed a fine lot of poultry last week.

Hunting is an every day occupation with most of the people.

A. K. Hawkes,

The Famous Atlanta Optician.



RECEIVED

Gold Medal

Highest Award Diploma of Honor

For Superior Lens-grinding and

Excellency in the Manufacture of

Spectacles and Eye-Glasses.

Sold in over 8,000 Cities and Towns

in the United States.

Established 1870.

These Famous Glasses for Sale by

S. B. Wallace & Co.

Eyesight Tested Free.

COMMISSIONERS NOTICE

Commissioner's Office.

Marlinton, W. Va.

November 10th, 1903.

Patrick Henry's Administratrix,

v.s.

Mary M. Henry and other.

Pursuant to a decree of the circuit court of Pocahontas County West Virginia, rendered at the October Term, 1903, of said court, I will proceed at my office in the court-house, in the town of Marlinton, West Virginia, on the 22nd day of December, 1903, to take, state and report to the next term of the said court the following matters of account, to-wit:

1st. A settlement of the administration accounts of Mary M. Henry administratrix of P. Henry, deceased.